

2132688).

Reconsideration is requested.

The Takaoka patent is concerned with the treatment of athletes foot using triclosan in combination in an ointment or liquid vehicle. There is no suggestion to use a cationic agent in combination with the triclosan.

Levy (I) only mentions the use of chlorhexidene and is silent as to the use of chlorhexidene with any other agent as a preventative treatment in children afflicted with leukemia.

Cancro (III) discusses the use of mouthrinses in general and only specifically mentions Listerine and chlorhexidene gluconate as specific agents for use in mouthrinses. There is no mention of triclosan.

Greenspan (IV) describes the use of chlorhexidene in the treatment of candidiasis in HIV patients. The use of antifungal drugs such as amphotericin-B, itraconazole, fluconazole, clotrimazole and ketoconazole are also mentioned in this article. No mention is made of the use of triclosan.

Poland (A) describes various oral infections and while this article refers to antimicrobial therapy, there is no mention of any specific therapeutic agent.

Kostiala discloses the use of chlortimazole and chlorhexidene in the treatment of acute fungal stomatitis. There is no mention of the use of triclosan in this article.

Ferretti et al. (9) and (10) both disclose the use of chlorhexidene in bone marrow transplant patients. There is no mention of the use of triclosan in these references.

Budtz-Jorgenson describe the use of chlorhexidene in the treatment of oral candidiasis. The chlorhexidene is used alone and there is no suggestion to use any other drug in combination with the chlorhexidene.

Veb East Germany describes various deodorants

and astringents which include triclosan and chlorhexidene. There is no disclosure of any method of treating a herpetic or fungal infection using any of the disclosed compositions. In addition there is no mention of the use of cetylpyridium chloride in combination with triclosan as defined in claims 20 and 28.

Gluck (I) describes the making of antiseptic fluids using various materials including triclosan and chlorhexidene as well as other materials. There is no disclosure of the use of these antiseptics for treating herpetic or fungal infections and there is no mention of the materials that are recited in claims 20 and 28.

Gluck (II) describes skin and hand cleaning compositions which may include triclosan and a cationic biocide. There is no mention of the method of treating herpetic or fungal infections using the disclosed compositions. In addition, there is no mention of the combination of triclosan and cetylpyridium chloride as claimed in claims 20 and 28.

Hill describes certain antiviral drugs such as acyclovir, cytarabine, 3,4-dihydroxybutylguanine and the like as components of a topical formulation which may also include biocides such as cetylpyridium chloride. There is no mention of the use of triclosan in combination with a cationic agent for the treatment of a herpetic or fungal infections.


Livingston discloses a spermicide/virucide composition which includes benzalkonium chloride, a nonoxynol, triclosan and emollient, hydroxypropylmethyl cellulose, sodium carbomer and water. The triclosan is only identified as a spermicide and there are no examples of a composition of triclosan and benzalkonium chloride in the Livingston reference. In addition, there is no mention of any antiviral activity that is possessed by the triclosan.

The diverse teachings of the cited prior art fail to make obvious the claimed methods of treating

herpetic and fungal infections. New claims 31 and 32 point out a preferred method of the invention where the composition used in the methods of the invention consist essentially of triclosan and cetylpyridinium chloride. For these reasons, it is requested that the rejections of record be reconsidered and withdrawn.

Authorization is given to charge any fee that is required in connection with the Terminal Disclaimer to Deposit Account No. 08-1540.

Respectfully submitted,


James V. Costigan
Reg. No. 25,669

Hedman, Gibson & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231, on 8/2/00